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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,664	12/04/2000	Steven R. Kursh	2910.1000-001	6351

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EXAMINER
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NOLAN, DANIEL A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/729,664

Applicant(s)

KURSH, STEVEN R.

Examiner

Daniel A. Nolan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Response to Arguments*

2. Applicant's arguments filed 22 December 2003 have been fully considered but they are not persuasive.
  - In response to applicant's argument that the prior art of Skinner (page 2 lns 14-24) and Tran (page 4 lns 1-4) would not apply to the features of instant application, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).
  - In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *real-time feedback* page 2 ln 21, *interactive* page 2 ln 27 & page 4 ln 20, *advertising* page 2 ln 10 & page 4 ln 5) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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- The argument that Skinner is silent as to *prompting* (page 3 ln 7) is addressed with the proper citation of Tran as being applied as an obvious remedy to provide this capability.
- In response to applicant's argument that Tran is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the *interim* steps encountered by Tran are incidental and would not stand in the way of being applied to the method/teachings of Skinner as applied in obvious combination.
- The argument that neither Skinner nor Tran provide language translations (page 4 ln 10) was addressed by the obvious combination of Goyo to claims 15 and 17).
- The argument that *none of the cited references prompt* was addressed with the application of Tran to Skinner for that feature in claims 1 and 8, below.
- Regarding the argument that Gomyo does not apply (page 7 lns 7-8), because there is no degree of translation specified or claimed, the disclosure by Gomyo of *translating between different languages* will meet the bounds of the claim.
- Regarding the argument (page 7 lns 20-21), In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*prompting*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

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limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

- Accordingly, all features of the claims are found in obvious combination in the prior art of record and the rejections are maintained.

### ***Claim Rejections - 35 USC § 103***

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

#### **Skinner et al, Tran, Kuroiwa et al & Sprague et al<sup>575</sup>**

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner et al (U.S. Patent 6,185,514 B1) in view of Tran (U.S. Patent 5,991,742 A) and further in view of Kuroiwa et al (U.S. Patent 5,960,063 A) and further in view of Sprague et al<sup>575</sup> (U.S. Patent 5,247,575 A).

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5. Regarding claims 1 and 8, particular to claim 1, Skinner et al (column 5 line 53) reads on the feature of *maintaining accounting data* while particular to claim 8, Skinner et al (column 5 line 54) reads on the feature of *maintaining accounting data of time & expenses on respective projects*.

- While the inventions of Skinner et al monitor account for voice recognition applications so would necessarily be aware of the capability, they do not mention employing this technology to separately provide accounting information for other applications. Tran (column 2 line 22 & column 10 lines 6-8) reads on the common features of *using an automated voice interface to the database and obtaining from the received audible signals certain accounting data corresponding to the words spoken* and also (with 241 figure 4) reading on the feature of *prompting a user to enter accounting data*, enabling the feature of *the voice interface receiving audible signals indicative of words spoken by the user in response*.

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Tran to the device/method of Skinner et al so as to enable "hands-free" operation.

- Where Tran does not mention that the voice input is *over a communication line*, Kuroiwa et al (1 in figures 1 & 2) reads on that feature, which would have made it obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Kuroiwa et al to the device/method

of Skinner et al so as to avoid having to sit in the same room as the computer while entering data.

- Skinner et al (column 5 line 1) reads on the features of *providing a database for storing desired accounting data and storing the obtained certain accounting data in the database*.
- With particular reference to claim 1, Skinner et al (column 5 line 53) reads on the feature of *maintaining accounting data and storing the obtained certain accounting data in the database*. Particular to claim 8, Skinner et al (column 5 line 54) reads on the feature of *maintaining accounting data of time & expenses on respective projects* which also reads on the feature of *storing the obtained certain accounting data in the database to enable tracking & reporting of time, events & expenses corresponding to the obtained accounting data*.
- Where Skinner et al discloses the capability to remotely poll and collect information from remote stations with the *TSR Dragnet* (110 in figure 1) that is typical of earlier network practice using a modem script that was periodically activated to dial in to the computers at set intervals to collect information, but is silent on the procedures of the host initiating a call for information. In this case, Sprague et al<sup>575</sup> (column 5 lines 33-36) provides specific reference to the feature of *initiating the call to the user*, which would have made it obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method and/or teachings

of Sprague et al<sup>575</sup> to the device/method of Skinner et al so as to receive accounting information at prescribed intervals.

6. Regarding claims 2 and 9; the claims are set forth with the same limits as claims 1 and 8, respectively. Where neither Skinner et al nor Tran mention that *the communication line is a wireless or land telephone network*, Kuroiwa et al (1 in figures 1 & 2) reads on that feature, which would have made it obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Kuroiwa et al to the device/method of Skinner et al so as to permit a degree of mobility while operating the system.

7. Regarding claims 3 and 10; the claims are set forth with the same limits as claims 1 and 8, respectively. Where Skinner et al does not mention that *the automated voice interface is computer implemented*, Tran (column 2 line 3) reads on this feature, which would have made it obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Tran to the device/method of Skinner et al to avoid the delay of dictation and Transcription that is the only alternative to computerized speech recognition.

8. Regarding claims 4 and 11; the claims are set forth with the same limits as claims 1 and 8, respectively. Skinner et al (column 4 lines 58-63) reads on the feature of *automatically providing accounting data stored in the database to another user*.



9. Regarding claims 5 and 12; the claims are set forth with the same limits as claims 4 and 11, respectively. Skinner et al (column 4 lines 58-63) reads on the feature that *the step of automatically providing includes providing the accounting data as a function of predefined rules.*

10. Regarding claims 6 and 13; the claims are set forth with the same limits as claims 1 and 8, respectively. Skinner et al reads on the feature that *desired accounting data includes length of time (as in column 5 line 8), dates (column 13 line 12), project identifier (column 5 line 18), type of expense (column 20 lines 4-5), and that the data base stores desired accounting data in corresponding data fields (1706 in figure 17).*

11. Regarding claims 7 and 14; the claims are set forth with the same limits as claims 1 and 8, respectively. Skinner et al does not mention providing reports remotely.

- Sprague et al<sup>575</sup> (column 18 lines 12-15) provides the support for the capability (column 18 lines 49-50) that reads on the feature of retrieving accounting data from the database using the automated voice interface (of column 10 line 38).
- It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Sprague et al<sup>575</sup> to the device/method of Skinner et al that would provide management status on a timely basis by eliminating the delay for scheduled paper report delivery.

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**Skinner et al, Tran, Kuroiwa et al, Sprague et al'<sup>575</sup> & Gomyo et al**

12. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner et al in view of Tran and further in view of Kuroiwa et al and further in view of Sprague et al'<sup>575</sup> and further in view of Gomyo et al (U.S. Patent 5,930,772 A).

13. Regarding claims 15 and 17; the claims are set forth with the same limits as claims 1 and 8, respectively. Skinner et al does not speak to *foreign language translation*. Gomyo et al (column 12 line 65 to column 13 line 3) reads on the feature of *translating between languages*.

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Gomyo et al to the device/method of Skinner et al so as to optimally avoid storing foreign data redundantly, one for each language.

**Skinner et al, Tran, Kuroiwa et al, Sprague et al'<sup>575</sup> & Gaechter et al**

14. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner et al in view of Tran and further in view of Kuroiwa et al and further in view of Sprague et al'<sup>575</sup> and further in view of Gaechter et al (U.S. Patent 5,463,685 A).

15. Regarding claims 16 and 18; the claims are set forth with the same limits as claims 1 and 8, respectively. Skinner et al does not mention sending *individually targeted messages over communication lines*. Gaechter et al's network based

outbound call management reads on the feature of *individually targeted users over the communication line* (column 5 lines 1-4).

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Gaechter et al to the device/method of Skinner et al so as to avoid the need for specialized equipment to place calls.

### ***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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17. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel A. Nolan at telephone (703)305-1368 whose normal business hours are 7AM-5PM, Mon-Tue & Thu-Fri.

If attempts to contact the examiner by telephone are unsuccessful, supervisor Richemond Dorvil can be reached at (703)305-9645.

The fax phone number for Technology Center 2600 is (703)872-9314. Label informal and draft communications as "DRAFT" or "PROPOSED", & designate formal communications as "EXPEDITED PROCEDURE". Formal response to this action may be faxed according to the above instructions,

or mailed to:                      Box AF  
   Commissioner of Patents and Trademarks  
   Washington, D.C. 20231

or hand-delivered to:          Crystal Park 2,  
   2121 Crystal Drive, Arlington, VA,  
   Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office at telephone number (703)306-03776-0377.

Daniel A. Nolan  
Examiner  
Art Unit 265454

DAN/d  
February 1, 2004

  
**RICHEMOND DORVIL**  
**SUPERVISORY PATENT EXAMINER**